

September 14, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St SW  
Washington, DC 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Secretary Dortch:

The Illinois Municipal League (IML) writes to express its concerns about the Federal Communications Commission's (FCC or Commission) proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. IML is a not-for-profit, non-political association representing 1,298 municipalities in the State of Illinois. State statute designates IML as an instrumentality of its members. 65 ILCS 5/1-8-1 (West 2014). IML's mission is to articulate, defend, maintain and promote the interests and concerns of Illinois communities.

While we appreciate FCC's efforts to engage with local governments on this issue and share FCC's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60-day shot clock. When paired with FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than FCC has allowed in its proposal. Illinois recently enacted legislation, Public Act 100-0585, that was fully negotiated with wireless providers and allows longer permit response times than the expedited shot clocks: 90 days for collocations and 120 days for new poles.



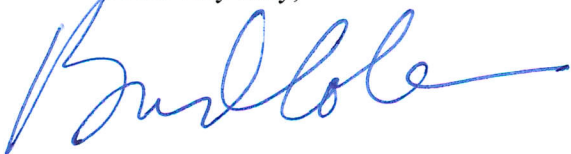
- **FCC's proposed definition of "effective prohibition" is overly broad.** The draft Report and Order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. While FCC may have intended to preserve local review, this framing and definition of "effective prohibition" opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing and undergrounding. For jurisdictions such as Illinois that have adopted comprehensive legislative parameters addressing these issues, FCC should defer.
- **FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that amount or provide additional benefits to the community.

Additionally, FCC has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities? Illinois struck its balance with higher one-time permit fees and a lower recurring rate unless the local authority could show higher actual costs. FCC's rate-making now delivers the most negative outcome for local authorities by imposing lower permit fees and preserving the state's more restrictive recurring rate. Again, respecting comprehensive state legislation in this arena would not impair deployment but would allow for appropriate adjustments going forward at the state level.

IML and our members have worked with the telecommunications industry and related private businesses to build the best broadband infrastructure possible for our residents. We have also worked with the wireless industry and the Illinois General Assembly to craft legislation that comprehensively addresses and supports next generation wireless deployment. We oppose this effort to restrict local authority and local innovation, while limiting the obligations providers have to our communities.

The Illinois Municipal League thanks the Commission for its efforts to better understand the perspectives of our members. IML urges the Commission to oppose this Declaratory Ruling and Report and Order. Please feel welcome to contact me at (217) 525-1220 or bcole@iml.org if I may answer any questions or provide additional information. Thanks.

Yours very truly,



BRAD COLE  
Executive Director